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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 3rd October 2024

S.R.O. No. 529/2024—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 31st August 2023 passed in the ID Case No. 43 of 2023 by the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the M/s Tata Steel Mining Ltd., At Anantapur, P.O. Dhrusia, Athagarh, Cuttack, 2. M/s Bhushan Steel Ltd., At Narendrapur, P.O. Kusupanga, Dist. Dhenkanal, 3. M/s Care Security & Allied Services, Contractor of M/s Tata Steel Mining Ltd., Regd. Office at B-13, 2nd Floor, Ruchika Market, Baramunda, Bhubaneswar-751003 and Shri Akshaya Barik, S/o Bharat Chandra Bark, At Mahakalpada, P.O. Kakhadi, P.S. Choudwar, Dist. Cuttack was referred to for adjudication is hereby published as in the schedule below.

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 43 of 2023

Dated the 31st August 2024

Present :

Smt. Aparna Mohapatra,
Presiding Officer,
Labour Court, Bhubaneswar,
[JO CODE-OD-0408]

Between :

1. M/s Tata Steel Mining Ltd.,
At Anantapur, P.O. Dhrusia,
Athagarh, Cuttack.
2. M/s Bhushan Steel Ltd.,
At Narendrapur, P.O. Kusupanga,
Dist. Dhenkanal.

.. First Party-Managements

3. M/s Care Security & Allied Services,
Contractor of M/s Tata Steel Mining Ltd.,
Regd. Office at B-13, 2nd Floor, Ruchika Market,
Baramunda, Bhubaneswar-751003.

And

Shri Akshaya Barik,
S/o Bharat Chandra Barik,
At Mahakalapada, P.O. Kakhadi,
P.S. Choudwar, Dist. Cuttack.

. . Second Party—Workman

Appearances:

None	. . For the First Party—Managements
None	. . For the Second Party—Workman

AWARD

The Government of Odisha in the Labour & E.S.I. Department in exercise of powers conferred upon it by sub-section (5) of Section 12 read with Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Court vide their Memo. No. 9058/LESI., dated the 4th October 2023.

“Whether the termination of the service of Shri Akshaya Barik, with effect from the 8th May 2021 by the Contractor M/s Care Security and Allied Services deployed under the management M/s TATA Steel Mining Ltd., is legal and/or justified ? If not, what relief the workman is entitled to ?

2. On close scrutiny of the case record, it is found that after receipt of the above dispute from the appropriate Govt., notice was issued to the second party for filing of statement of claim through post vide this Office Letter No.1655, dated the 15th December 2023. Pursuant thereto although the second party appeared for only one day i.e. 20th March 2024 and sought for time to file statement of claim, but thereafter he neither turned up nor filed his statement of claim. It is further found that the copy of the above reference was also issued to the second party by the Govt. in Labour & E.S.I. Department vide their Memo No. 9060, dated the 4th October 2023 with a direction to the complete statement of claim with relevant documents, list of documents and witnesses before this Court within 15 days of the receipt of the order of reference. It is also revealed from the case record that on 7th October 2023 this Court has received the above reference from the appropriate Govt. and meanwhile more than ten months have already been passed, but the second party neither appeared nor filed his statement of claim despite notice of this Court. So, it can be presumed that the second party is not interested to proceed with this case.

Thus, in absence of pleading from the side of the workman and evidence on record, it is not possible to answer the reference in any manner. Considering the above facts and circumstances, this Court is constrained to pass a 'No Dispute Award' in this case. Accordingly, a 'No Dispute Award' is passed insofar as the present reference is concerned.

Dictated and corrected by me.

APARNA MOHAPATRA
31-08-2024
Presiding Officer
Labour Court, Bhubaneswar

APARNA MOHAPATRA
31-08-2024
Presiding Officer
Labour Court, Bhubaneswar

[No. 8605—LESI-IR-ID-0018/2023-LESI]

By order of the Governor
NITIRANJAN SEN
Additional Secretary to Government